

**ALLEGED SHIPMENT:** On or about April 27, 1948, by Walter P. Rawl, from Gilbert, S. C.

**PRODUCT:** 81 cases, each containing 24 1-pound, 3-ounce cans, of asparagus at Atlanta, Ga. The product consisted of small asparagus spears, packed in an excessive amount of water. Some of the cans contained decomposed asparagus.

**LABEL, IN PART:** "Carolina Green Asparagus Fancy Medium Spears."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), water had been substituted in whole or in part for asparagus spears.

Misbranding, Section 403 (a), the label designation "Fancy Medium" was false and misleading as applied to an article consisting of small asparagus spears with shattered heads.

**DISPOSITION:** August 26, 1948. Arthur Mims, Atlanta, Ga., Claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of segregating and destroying the unfit portion and bringing the remainder into compliance with the law, under the supervision of the Food and Drug Administration. In accordance with this decree, 7<sup>15</sup>/<sub>24</sub> cases of the product were destroyed as unfit and the remainder of the product was relabeled to include a declaration of slack fill.

**14058. Adulteration and misbranding of canned asparagus. U. S. v. 51 Cases**  
\* \* \*. (F. D. C. No. 25743. Sample Nos. 37710-K, 37711-K.)

**LIBEL FILED:** September 15, 1948, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about May 21, 1948, by Hobbies, Inc., from Milton, Oreg.

**PRODUCT:** 25 cases, each containing 24 1-pound, 3-ounce cans, and 26 cases, each containing 6 6-pound, 5-ounce cans, of green asparagus cuts at Walla Walla, Wash.

**LABEL, IN PART:** (Can) "Blue Spark Brand All Green Asparagus Cuts Tips Removed Contents 1 Lb. 3 Oz. [or "6 Lbs. 5 Oz."] Packed By Sunnyside Packing Co., Sunnyside, Wash."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), tough, fibrous, and inedible parts of asparagus had been substituted in whole or in part for asparagus cuts, tips removed, which the article was represented to be.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity prescribed by the regulations. The definition and standard of identity provides that "Asparagus Cuts—Tips Removed" are the succulent portion of sprouts of the asparagus plant from which the tip has been removed and cut in pieces, whereas the product consisted of the tough, fibrous, and inedible parts of the asparagus plant.

**DISPOSITION:** October 18 and 20, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**14059. Adulteration of canned green beans. U. S. v. 72 Cases \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 24371, 24700, 25008. Sample Nos. 18799-K, 26157-K, 26761-K.)**

**LIBELS FILED:** On or about March 16 and 31 and July 13, 1948, Eastern and Western Districts of Missouri and Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 10, October 30, and November 13, 1947, by the Sallisaw Canning Co., Sallisaw, Okla.